

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:	:	Chapter 11
W.R. GRACE & CO.,	:	Case No. 01-01139 (JKF)
		(Jointly Administered)
Debtors,	:	

Re: Docket No. 15307

DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 8006, Fed. R. Bankr. P., the State of New Jersey, Department of Environmental Protection ("Department" or "State") respectfully submits its Designation of the Items to be included in the Record on Appeal.

Designation of Items to Be Included in the Record on Appeal:

Date	Docket No.	Description
11/14/2005		Transcript of 11/14/05 Hearing
9/19/2005	9465	W.R. Grace Complaint For Dec. Judg.
9/19/2005	9465-1	Complaint filed by State of N.J.
4/26/2007	15307	State's Motion to File A Late Proof of Claim
4/26/2007	15307-1	State's Brief in Support of Motion To File A Late Proof of Claim
4/26/2007	15307-2	Proposed Proof of Claim
7/06/2007	16248	Grace Objection Plus Exhibits
7/06/2007	16247	Joinder of the Official Committee to Debtor's Objection to State of New

Jersey Motion to File Late Proof of Claim.

7/16/2007	16297	State's Response to Debtor's Objection
7/31/2007	16445	Transcript of July 23 hearing
8/02/2007	16467	Order Denying State's Motion
8/10/2007	16523	Notice of Appeal from 8/02/2007 Order

Respectfully submitted,

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

By: /S/ Rachel Jeanne Lehr
Rachel Jeanne Lehr
Deputy Attorney General

Dated: August 17, 2007

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STATEMENT OF ISSUES PRESENTED ON APPEAL

Pursuant to Rule 8006, Fed. R. Bankr. P., the State of New Jersey, Department of Environmental Protection ("Department" or "State") respectfully submits its Statement of of Issues Presented on Appeal.

Statement of Issues to Be Presented:

A. Whether the Bankruptcy Court erred in denying the State's motion to file a late proof of claim on the grounds of "excusable neglect" even though at the time of the March 31, 2003, bar date the State had no way of knowing that in 1995 debtors had certified to false information as to asbestos contamination present at the debtor's Hamilton, New Jersey vermiculite exfoliation plant and had submitted the certification and false information to the Department.

B. Whether the Bankruptcy Court erred in denying the State's motion to file a late proof of claim as prejudicial to the debtors

even though the debtors did not have a confirmed Plan and could not demonstrate any prejudice.

C. Whether the Bankruptcy Court erred in denying the State's motion to file a late proof of claim considering the totality of the circumstances, which included the fact that the debtor, W.R. Grace, had sworn to false information about the contamination at the site that the State had no way of knowing about before the bar date.

E. Whether the Bankruptcy Court erred in not taking into consideration the seriousness of W.R. Grace's violations of the law and W.R. Grace's own duplicity in causing the claim to be filed late.

Respectfully submitted,

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

By: /S/ Rachel Jeanne Lehr
Deputy Attorney General

Dated: August 17, 2007